

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

SHAKITA EASON,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

6:14-cv-73

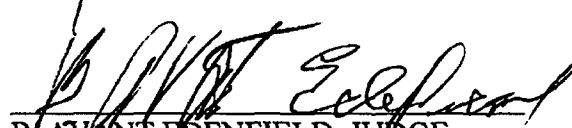
6:13-cr-7

ORDER

Before the Court is Shakita Eason's Motion to Dismiss. ECF No. 11. Eason's Motion was filed after the Court entered a judgment denying her 28 U.S.C. § 2255 petition. *See* ECF No. 6. Eason alleges that the Court is without jurisdiction to deny her construed request for a Certificate of Appealability ("COA"). *Id.* at 1. Eason is incorrect. District courts are given explicit jurisdiction to issue COAs under the Federal Rules of Appellate Procedure. *See* Fed. R. App. P. 22(b)(1). In addition, the Eleventh Circuit has held that district courts should act before the appellate court: "[d]istrict courts must consider and rule upon the propriety of issuing the COA first, that is, before a request for a COA will be received or acted on by this court or a judge of this court." *Edwards v. United States*, 114 F.3d 1083, 1084 (11th Cir. 1997); *see also Perez v. Sec'y, Fla. Dep't of Corr.*, 711 F.3d 1263, 1264 (11th Cir. 2013) ("We generally require the district court to rule on the propriety of a COA before we address a request for a COA in this Court.").

Therefore, the Eason's Motion to Dismiss is ***DENIED***.

The 4 day of November 2014


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA